

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GREG A. HAMMER,

Plaintiff,

v.

**Case No.: 2:18-cv-223
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This case is before the Court to consider the *Report and Recommendation* issued by the Magistrate Judge on November 21, 2018. The Magistrate Judge recommended that Plaintiff's Statement of Errors be overruled and the decision of the Commissioner of Social Security be affirmed. (*See Report and Recommendation*, Doc. 15). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 16). Defendant has also filed a response. (Doc. 17). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff raises one main objection to the ALJ and Magistrate Judge's findings: that the ALJ failed to properly evaluate the opinions of Dr. Brantley. Specifically, Plaintiff argues that Dr. Mumma's opinions and statements do not contradict Dr. Brantley's findings that Plaintiff can not work due to his problems with syncope, and therefore Dr. Mumma's findings cannot be relied on as substantial evidence discrediting Dr. Brantley's opinions.

This objection presents the same issue already presented to, and carefully considered by, the Magistrate Judge in the *Report and Recommendation*. Plaintiff has not presented any new evidence or argument other than what was previously presented in his Statement of Errors. Plaintiff merely disagrees with the ALJ and Magistrate Judge's conclusions, specifically with respect to the lack of weight given to Dr. Brantley's opinions. The Court agrees with the Magistrate Judge's conclusions regarding the rejection of Dr. Brantley's opinions. The ALJ gave sufficient reasons for the weight given to the treating physicians.

The Court has carefully considered Plaintiff's objection, but finds that the decision of the ALJ was supported by substantial evidence as acknowledged in detail in the Magistrate Judge's *Report and Recommendation*. Therefore, for the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff's objection is without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's objection has been thoroughly considered and is hereby **OVERRULED**. Accordingly, the *Report and Recommendation*, Document 15, is **ADOPTED** and **AFFIRMED**. Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 15 and 16 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT